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NINTH UNITED NATIONS CONGRESS ON
THE PREVENTION OF CRIME AND
THE TREATMENT OF OFFENDERS

DISCUSSION GUIDE

CONTENTS

	Paragraphs	Page
INTRODUCTION	1-8	2
SUBSTANTIVE TOPICS TO BE INCLUDED IN THE PROPOSED PROVISIONAL AGENDA OF THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS	9-110	3
Topic 1. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme	11-32	4
Topic 2. Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation	33-61	7
Topic 3. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections and the role of lawyers	62-90	13
Topic 4. Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives	91-110	17
Annex. Schematic breakdown of central themes		22

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1992/24 of 30 July 1992, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its first session, decided on the topics that could be included in the provisional agenda for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In the same resolution, the Council requested the Commission at its second session to finalize the provisional agenda for the Ninth Congress and, accordingly, to make its recommendations to the Council.

2. In its resolution 1992/24, the Council further requested the Secretary-General to prepare a discussion guide for the consideration of the Commission, including proposals for workshops, and invited Member States to be actively involved in that process.

3. Drawing on specific proposals made by the Secretary-General (E/CN.15/1993/7), the Commission, at its second session, finalized the provisional agenda for the Ninth Congress and approved the present discussion guide for the Ninth Congress, together with the schematic breakdown of central themes contained in the annex. The annex lists a number of issues that national delegations may wish to take into consideration when preparing their national position papers for the regional preparatory meetings and the Ninth Congress itself.

4. The Economic and Social Council, in its resolution 1993/32 of 27 July 1993, approved the following provisional agenda, as recommended by the commission:

1. Opening of the Congress.

2. Organizational matters.

3. International cooperation and practical technical assistance for strenghening the rule of law: promoting the United Nations crime prevention and criminal justice programme.

4. Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation.

5. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts, corrections; and the role of lawyers.

6. Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives.

7. Adoption of the report of the Congress.

5. The Council, in the same resolution, also enclosed the programme of work for the Ninth Congress, including the holding of six Workshops on the following topics, for which the Secretary-General was requested to undertake the necessary steps, in collaboration with Member States and the network of crime prevention institutes, to mobilize the participation of relevant parties in their preparation:

(a) Extradition and international cooperation: exchange of national experiences and implementation of relevant principles in national legislation (one day);

(b) Mass media and crime prevention (one day);

(c) Urgan policy and crime prevention (one day);

(d) Prevention of violent crime (one day);

(e) Environmental protection at the national and international levels: potentials and limits of criminal justice (two days);

(f) International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information (two days).

6. Further, the Council decided to include within the framework of the plenary of the Ninth Congress a one-day discussion on experiences in and practical measures aimed at combating corruption involving public officials.

7. The discussion guide, which outlines the substantive topics to be included in the proposed provisional agenda, has been prepared with a view to reflecting a new functional interrelationship between the United Nations quinquennial congresses and the Commission. The objective of this new functional relationship will be to more effectively facilitate and channel intergovernmental action.

8. The discussion guide constitutes the annotated provisional agenda of the regional preparatory meetings for the Ninth Congress. In this respect, the discussion guide is intended to stimulate discussion of issues of major concern with a view to identifying the main policy options for consideration and action by the Congress. It also provides a means by which the Secretariat can obtain relevant information for inclusion in its technical working papers for the Congress, in accordance with the attached annex.

SUBSTANTIVE TOPICS TO BE INCLUDED IN THE PROPOSED PROVISIONAL AGENDA OF THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

9. Over the years, the United Nations policy-making bodies concerned with criminal policy have shifted their focus from issues relating to the treatment of offenders to those of broader developmental concern, and currently to field-level activity, with a view to enhancing the professionalism of persons involved in the crime prevention and criminal justice field, while at the same time maintaining the humanitarian traditions of the crime prevention and criminal justice programme.

10. The Commission has decided that the Ninth Congress should concentrate on well-focused subjects falling within the priority themes of the Commission, in order to stimulate an exchange of views that would yield more practically oriented operational results, particularly those relevant to technical cooperation activities.

Topic 1. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme

11. Discussion of this umbrella topic should underscore the central role of crime prevention and criminal justice in seeking to ensure sustained development and a decent quality of life, with the enjoyment of basic rights and freedoms. It should also be an occasion for stocktaking: an assessment of the major needs in this field, as compared with national and international possibilities for meeting them.

12. The Congress could fulfil a useful role as a platform from which to identify areas of progress and those of continued need. The aim is to encourage frank and open discussion, information-sharing and critical analysis of the global requirements that persist in spite of the gains made. It is hoped that such concrete indications will help to define areas for much-needed practical assistance, as a basis for the formulation of specific project proposals. In so doing, it will be important to determine the steps that can be taken at the national or local levels for capacity-building, and the requisites of cooperative action at the regional and international levels.

13. To provide a benchmark or common international yardstick against which to assess needs and assistance requirements and possibilities for action, certain criteria can be used. One criterion could be the gap to be bridged between current realities and desirable policies and practices to be pursued by the world community. The United Nations standards, norms, guidelines and instruments adopted by consensus can, subject to developmental, cultural and other societal differences, be of use. Where existing procedures do not correspond to these basic desiderata, the reasons could be analysed and difficulties or obstacles responsible for the shortfalls identified. Some countries that have been able to go beyond the minimum standards of acceptable practice could share their experience with those seeking to attain them.

14. Crime, especially in its transnational dimensions, cannot be adequately dealt with by national action alone. Even where crime is occurring within national boundaries, there are powerful incentives for international cooperation. In order to solve domestic crime problems, many States that have been thwarted in their efforts look across borders to improve their knowledge and research, to share information, to assist and to seek assistance in a wide range of technical matters relevant to criminal justice operations. Information on national achievements can be transmitted to other States for possible adaptation, with appropriate changes to suit local conditions. Developing countries can make a valuable contribution in sharing their community-based approaches to preventing and controlling crime.

15. In the case of transnational crime, mutual assistance and collaboration are essential. Transnational forms of criminality, such as organized crime, necessitate bilateral and multilateral cooperation among States, for example, to acquire the necessary evidence for prosecution, to extradite a suspect located in another country, or to deal with a convicted offender. Increased freedom of movement across borders, which has facilitated access by criminal groups, especially where experience or resources are not available to respond properly, underlines the need for pursuing joint strategies. Developing countries and emerging democracies may be particularly vulnerable to organized crime because of economic crises and other conditions which weaken the regulatory functions of the State. Thus, collaborative action needs to be taken

in the bolstering of democratic infrastructures, institutions and methods of operation.

16. Technical advances have spurred new forms of crime. Sophisticated computer equipment and telecommunication facilities offer new opportunities for economic crime. Computer users may fraudulently obtain access to electronic information or manipulate it for unlawful financial gain. The sharing of information on emerging forms of criminality can help to alert countries to crime trends. The United Nations can help to disseminate information which could also be used in providing technical assistance to enable countries to determine which response model would best suit their needs.

17. There have been consistent calls in various United Nations forums over the years for more effective international cooperation in the field of crime prevention and criminal justice. More recently, emphasis has been placed on developing modalities to foster practical technical assistance in all regions. Ways should be examined by which the international community can work together more effectively to tackle crime problems, drawing upon, inter alia, international instruments, standards, norms and guidelines and the experience of Member States.

18. The United Nations can play a greater role in disseminating comparative research results and other data throughout the international community. This could include information, for example, on relevant legislation, banking procedures to counter money-laundering, model law enforcement techniques, and the successful application of provisions of United Nations conventions and other instruments, together with crime and criminal justice statistics.

19. Technical assistance packages can be prepared, using such information and assisting Member States in incorporating it into their policies and procedures where appropriate. The further development and use of databases and information networks would facilitate the collection and exchange of relevant information, and the Ninth Congress could serve as a vehicle for matching needs with assistance possibilities.

20. On the basis of comprehensive studies, consideration might be given to the harmonization of laws in priority areas of crime prevention and criminal justice, with due regard for different legal systems and developmental and cultural diffferences. Greater concordance of legislation would facilitate the investigation of offences and collection of evidence in countries outside the prosecuting jurisdiction. If harmonized internationally, certain laws would facilitate the apprehension of offenders, the monitoring of large cash transactions as a means of tracing money-laundering operations, and the seizure of the proceeds of crime. This would help law enforcement authorities to prevent individuals involved in national and transnational crime from avoiding conviction by fleeing the jurisdiction where the offence was committed, as well as dispossessing them of their ill-gotten gains.

21. Model treaties and bilateral and multilateral agreements can serve as prototypes for new national laws, increasing the harmony of domestic legislation and facilitating collaborative action. The United Nations model treaties on extradition, mutual assistance and the transfer of criminal proceedings could be implemented to complement existing cooperative arrangements. Relatively new initiatives, such as mutual legal assistance for tracing, freezing and confiscating the proceeds of crime, could be explored.

22. Some countries have programmes for negotiating bilateral agreements, for example, in the area of mutual legal assistance. The absence of international coordination can lead to inconsistent approaches with possible loopholes in the operation of national laws which can be exploited by transnational offenders. Countries seeking a model on which to base their legislation may also find it difficult to assess which one of different approaches would best suit their situation. Bilateral cooperation may provide a useful basis for addressing specific pressing problems, but it may not necessarily resolve the widespread problems shared by many States.

23. Specific measures should be considered to facilitate improved coordination. For example, a systematic reporting system could be devised whereby States inform the United Nations regularly on the extent of implementation of the United Nations norms and standards, agreements, model treaties and other measures taken to combat transnational crime. The results could be widely disseminated and made available to interested parties and organizations. Cooperation in law enforcement could also be improved, for example, by new measures such as joint investigations by States. Collaborative practical arrangements could be developed for joint action by the respective services (such as the police). Special emphasis could be given, for example, to practically oriented training courses to enhance police professionalism where necessary.

24. Where formal agreements between countries are not possible or desirable, they may wish to enter into memoranda of understanding or other arrangements for cooperation and mutual assistance in combating certain types of criminal activity. Information on the negotiation and operation of such arrangements could be made available to other States via the United Nations, as part of its clearing-house functions.

25. Development of innovative bilateral and multilateral mechanisms would broaden the information and action base available to Governments and strengthen the roles of parties eager to combat crime. Coordination with other interested organizations would help avoid duplication, create appropriate interlinkages and optimize efforts.

26. The success of cooperation in the field of crime prevention and criminal justice depends ultimately on the support and involvement of Member States. On the recommendation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the General Assembly, in its resolution 46/152 of 18 December 1991, endorsed the establishment of a new, more effective crime prevention and criminal justice programme, the practical orientation and activities of which would meet the needs and priorities of Member States.

27. It may be recalled, in this connection, that the Commission at its first session, in emphasizing the importance of international cooperation, determined that the crime prevention and criminal justice programme should concentrate resources in order to provide advisory services in a limited number of areas of recognized need, taking into account the urgency of technical assistance to developing coutries and those in transition. On the recommendation of the Commission, the Council, in its resolution 1992/22, emphasized the importance of the "operationalization" and field-level activities of the programme.

28. With an adequate technical cooperation capacity, the United Nations crime prevention and criminal justice programme could play a lead role in providing

advisory services to Member States requiring assistance in priority areas, for example, in investigative techniques, judicial practice and enforcement techniques relating to transnational crime. Interregional and regional advisory services could be enhanced to provide support for training. Pilot projects may be undertaken on priority matters and joint strategies developed in areas of mutual concern. The Ninth Congress could pay specific attention to identifying such areas of universal concern.

29. The programme could assist with constitutional and legislative reforms, drawing on the United Nations standards and basic human rights guarantees and improving the overall administration of justice. States could be assisted, upon request, in incorporating United Nations norms, standards, guidelines and other instruments into their laws, policies and procedures. They should be provided with practical assistance in doing so, for example in determining how guidelines might best be implemented given limited resources.

30. Obstacles to the implementation of United Nations standards and norms should be reviewed and ways of overcoming them explored. Where improvements have been found to be desirable, other practical technical assistance services, including training, could be targeted, in the application of the norms, standards and guidelines.

31. In order to develop a common approach to the assessment of needs and of assistance requirements, uniform criteria could be developed. For example, the United Nations norms, guidelines and standards could be used to provide a basis for comparing existing practices with desired ones. Wider dissemination of the norms, standards, guidelines and other instruments could be achieved through personnel training, education and public awareness campaigns.

32. One of the primary concerns of the Commission, in directing the new programme, is enhanced coordination of crime prevention and criminal-justice-related efforts. In order to achieve the type and level of cooperation envisaged by Member States, it is necessary to tap fully the valuable resources available at the subregional, regional and interregional levels, including the network of institutes and national correspondents. These can assist in promoting more effective working relations and channels of communication, and in fostering a continuing dialogue with Governments and other relevant entities. Various forms of direct collaboration at the field level, bolstered by new funding options and the involvement of development agencies, hold the key to more effective programme delivery and the achievement of a multiplier effect.

Topic 2. Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation

Organized crime

33. One of the most formidable challenges facing the world community as it approaches the twenty-first century is transnational organized crime. This challenge requires decisive, concerted, proactive and preemptive action. Such action should be in terms of prevention and enforcement, demonstrating firm determination and collective political will.

34. Meeting the expressed goal of the United Nations crime prevention and criminal justice programme, that is, to serve as a practically oriented,

"dynamic operational tool" with which to assist countries and their criminal justice systems in "preventing crime, promoting security, sustaining national development and enhancing justice and respect for human rights" (section I, paragraph 3(c), of Council resolution 1992/22 of 30 July 1992), as well as balancing the requirements involved, is particularly difficult in relation to combating organized crime.

35. The phenomenon of organized crime should not be viewed as a nebulous evil or ephemeral danger, but rather as a tangible illicit enterprise, the indicators and characteristics of which are identifiable and the wide-ranging operations of which may be controllable. The tendency to consider organized crime as an abstract threat derives partly from the lack of a clear, precise and acceptable definition of this phenomenon, at the international and even at the national level.

36. Organized crime has been identified in various United Nations forums as one of the most pernicious forms of criminality, of which the incidence has yet to be gauged, the dimensions have yet to be measured, and the full impact has yet to be determined. Notwithstanding the absence of a precise definition of organized crime and the apparent difficulty of qualifying and quantifying its various complex activities, there is evidence that organized crime is pervasive and its impact insidious. This in itself is sufficient cause for incisive action to be taken collectively on all fronts.

37. Organized crime constitutes an underground economic system, the gross product and net gain of which exceeds the gross national product of some countries. One component of the organized criminal enterprise, namely illicit drug trafficking alone, yields staggering profits. The growing number of seizure statistics, while indicating some measure of success in the fight against the illicit drug traffic worldwide, actually represent only a small percentage of the production and flow of substances not taken off the illicit market, as can be determined from the fact that drug seizures rarely increase market prices.

38. Indeed, it is a form of economic commerce by illegal means, involving the threat and use of physical force, extortion, corruption, blackmail and other methods, and the use of illicit goods and services. The resources at its disposal, the generation and maintainence of enormous wealth and power, the continuity and resilience of its structures and activities, and its continuing recruitment and replenishment of operatives, as well as the unscrupulous ways in which "business" is conducted, enable organized crime to defeat criminal justice systems personnel. In fact, the long-term law enforcement investment in undercover operations, with the planting of informants in the organized crime network, can be easily lost, since law enforcement agents are difficult to replace. Often when criminal associations within organized crime syndicates are broken up, new ones are formed quickly and memberships renewed.

39. Organized crime poses a direct threat to national and international security and stability, representing a frontal attack on political and legislative authority, and challenging the very authority of the State. It disrupts and compromises social and economic insitutions, causing a loss of faith in democratic processes. It undermines development and diverts its gains. It victimizes entire populations, targeting and capitalizing on human vulnerability. It co-opts, entraps and even enslaves segments of society, especially women and children, in its diverse and interrelated illegal undertakings, particularly in prostitution.

40. There is abundant evidence that organized crime is involved in the illegal arms trade and subversive activities that tamper with the rule of law in different parts of the world. The weight of the evidence indicates that it contributes to the political turmoil and upheaval occurring throughout the world. Drugs for weapons deals have become common in the world of organized crime, and many ethnic and political conflicts are aggravated by this unholy alliance.

41. Some experts suggest that an important aspect of the phenomenon that is organized crime, the understanding of which could enhance understanding and hence the development of preventive measures, is local street-gang formation. They argue that the character, structure and activity of gangs provide a microscopic glimpse of larger organized crime syndicate structures and operations, and thus can provide important insight into offender causation. This is not a matter heretofore considered at the international level. The instrumental use of children in organized crime activity also constitutes a significant global problem. A major challenge in this regard is to prevent young persons from gravitating toward, and drifting into, involvement in gang membership and activity, as well as possible recruitment and integration into the ranks of organized crime syndicates.

42. There is debate in the scientific literature concerning the extent to which organized crime is, in fact, "organized", as opposed to merely constituting a loosely associated network of persons who individually undertake related criminal activity. The dominant expert view is that organized crime, particularly drug trafficking, consists of tightly knit, highly organized networks of operatives that pursue common goals and objectives, within a hierarchical power structure that spans across countries and regions to cover the entire world.

43. Counterstrategies must thus also be based upon effective organizational and management techniques and, like organized crime, take advantage of technological advances as a strategic defence against vulnerability. The development of frameworks for inter-State cooperation, aimed at building a strong collaborative global infrastructure and mechanism, is therefore essential. Further development and use of effective specialized enforcement techniques and procedures and of other collaborative regional and international arrangements should be pursued. This could be achieved most effectively by mobilizing, pooling and jointly using available resources, including expertise and facilities such as training centres, and through the transfer of knowledge, information and technology to foster operational compatibility on a global scale.

44. A highly qualified, interdependent and coordinated response is an essential ingredient of more effective action. This will involve a considerable human resource investment in order to provide or refine cross-sectoral professional training of high calibre, using the normative yardstick of international standards. The upgrading of specialized technical skills is necessary, together with development of an effective individual and collective operational capacity at the field level. It requires personnel conversant with organized crime techniques, as well as with substantive and procedural law of domestic and other relevant jurisdictions. It also requires familiarity with the provisions of existing international conventions, standards and norms, agreements and other arrangements (including those related to seizure of the proceeds of crime, mutual legal assistance, extradition, prisoner transfer, transfer of criminal proceedings, and procedures such as "controlled delivery"). These are all designed to enable better collaborative transnational action.

45. Diverse measures have been adopted to fight against organized crime, but they have not had the desired impact. Organized crime has demonstrated a remarkable flexibility, adapting to, outwitting and circumventing prevention, enforcement and suppression methods. It will continue to do so unless new and better coordinated measures are developed, both nationally and internationally.

46. In the course of prevention and enforcement, there have been documented successes of property and money seizures. Some progress has been made in the tracing, freezing and seizing of assets and proceeds of illicit activity and in the lifting of bank secrecy. Yet tremendous amounts of illegal money are still being transferred and exchanged. Organized crime syndicates benefit from and, research suggests, in some ways instigate economic conditions that are favourable to their profit-making activities, in particular in financial, currency and commodities markets. Like certain large legitimate corporations, the crime syndicates have a stronghold or monopoly on particular business activities.

47. Concerted international action is necessary to prevent transfers of the proceeds of crime to countries with inadequate legislation and regulation, and with undeveloped mutual assistance processes. Developing countries are particularly at risk, as a build-up of illegally obtained funds can challenge the power of Governments and impede development plans. Mutual assistance and technical cooperation are key ways of reinforcing this weak link in the international response chain.

48. Progress is, however, being made in the prosecution and conviction of offenders involved in organized crime. Previously, the lower echelon, having relatively limited organizational power, was being targeted. But these operatives were easily replaced. More recently, the trend has been to target the management power structure of criminal organizations in order to remove some of the leadership. Although the bulk of the insulated managerial leadership is difficult to prosecute, as they remain distanced from the wealth-generating criminal activity, living on apparently lawfully obtained, albeit laundered, assets, it is clearly at this level that criminal justice efforts should be addressed.

49. Many new initiatives have been tried. They include preventive detention, criminal conspiracy and association provisions, long-term imprisonment, witness protection schemes and immunity from prosecution, quick trials, admissibility of hearsay evidence, use of testimony of criminal associates and convicted persons and wire-tapping. These measures have not prevented organized crime leadership from continuing to run operations. It has been suggested that corruption, including bribery and jury-tampering, seems to increase when procedures are made flexible for easier prosecution. It is recognized that a major objective of any strategy to counteract the influence of organized crime has to be to control corruption and to sever its ties to political and criminal justice authorities.

50. It might be useful to undertake a thorough review of all methods used to date to combat organized crime, to determine what has been successful and what has failed. Efforts could be made to fine-tune existing strategies and introduce new tools and techniques that could make a more significant impact on organized criminal activities, curbing their infiltration into the mainstream of financial, economic, political and social life. An analysis could be made of the means at the disposal of, and methods used by, criminal justice systems to facilitate investigation and detection, and to prosecute offenders involved in organized criminal activity.

51. Operational intelligence needs to be refined in order to be more useful for policy-making and to lead to a more strategically effective criminal justice response. Toward this end, important categories of information to be further developed and analysed include: the extent to which the "organizations theory" is applicable; the profile of the organizational power structure; evidence about the leadership of organized crime; the nature and extent of infiltration into, and the relationship with, various types of legitimate business; and the nature of the interrelations and interplay between the outside or peripheral groups, at the street and intermediary levels, and the main organization, particularly in the planning, coordination and management of operations and in the division of labour.

52. The Ninth Congress provides an opportune forum for the consideration of criminological aspects of organized crime that could bring to light new perspectives in addressing the difficult issues involved. The Congress could assist the Commission by identifying paths to be taken by the world community.

Economic criminality (criminal business practices)

53. Economic criminality is a profitable area of criminal activity. Its transnational dimensions have not been adequately explored or defined. Forms of economic criminality include embezzlement, restrictive trade practices to eliminate competition, tax evasion, bribery and corruption. All of these activities are consistent with those of organized crime.

54. Economic crime may involve abuse of positions of trust in the commercial sector or abuse of power by public officials. Company officers may embezzle company funds for their own use. Professionals may defraud their clients. National officials may improperly appropriate State funds for personal use or accept bribes to perform their duties in a manner inconsistent with the public interest. Antitrust violations, such as collusion to fix prices, rig bids or drive competitors out of business, may constitute criminal acts in some jurisdictions and civil violations in others. In either case, there may be links with organized crime, where the proceeds of crime are used to artificially inflate the profits of apparently legitimate businesses and put legitimate competitors out of business. Such activities not only harm the parties involved but also adversely affect national and international markets.

55. Legitimate businesses may be acquired by organized crime with the proceeds of crime and used as a front for illegal activities. Such businesses may be very large and their fraudulent use may affect the livelihoods of many individuals. For example, the involvement of organized syndicates in banking or the acquisition of formerly State-owned utilities during privatization may have an enormous impact on fragile national economies and development prospects. Securities markets provide an opportunity for international investment swindles, taking advantage of small investors naive about the risks involved. Such frauds may be quite complex, for example those relating to commodity futures. This is a substantial problem in developed countries, but may prove even more problematic in developing countries that lack the experience of dealing with corporate fraud.

56. As mentioned earlier, groups and individuals involved in criminal business practices frequently use complex financial transactions as a means of concealing the source of their wealth and preventing its confiscation. This often entails large-scale money-laundering operations, moving money through a series of bank accounts in different countries or fraudulent use

of securities to make the proceeds of crime available for use in the legitimate economy. Highly technical skills are involved in the collection and evaluation of complex financial evidence and its presentation in court.

The role of criminal law in the protection of the environment ("eco-crime")

57. The Eighth Congress recommended that, in addition to administrative and civil law, criminal law had an important role to play in the protection of the environment, and called for the incorporation of provisions entailing penal sanctions under national criminal law in future international conventions on environmental protection.

58. Evidence indicates that criminal groups have a significant involvement in the hazardous waste disposal industry as one of its "legitimate" businesses. Thus, the increasing awareness of environmental protection and of the importance of adequate waste disposal coupled with a progressive movement toward increased use of and investment in "green technology" might be creating market opportunities for and promoting the economic growth of waste disposal companies with links to organized crime.

59. Waste disposal can cause significant environmental damage when appropriate safety measures are not taken. Hazardous wastes can be extremely toxic to humans and to the environment, and their effects are not limited by national boundaries. Waste disposal businesses may forge manifests, mislabel containers, and engage in anticompetitive practices. Hazardous wastes may be mixed with ordinary waste and transported to countries with relatively weak legislation and regulations. An attempt is made to corrupt State officials so as to facilitate disposal. A significant issue for consideration, in this connection, is that of the dumping of hazardous waste by industries from industrialized into developing countries, which can result in the long-term degrading of the environment and illness or death among populations exposed to them in the countries receiving the waste.

60. The role of the criminal law in protecting the environment is relatively undeveloped, and there is little agreement on the nature of the penal sanctions which should be imposed by national legislation and how these should be harmonized internationally. Various important complex issues are involved, for example: the relationship between the laws of the State in which the pollution originated and those of the State adversely affected; the criminal responsibility of corporations, as opposed to individuals; determination of criminal action related to specific acts affecting specific resources (water, air, soil) as opposed to that related to the environment as a whole. Another relevant question is that of legislation against "eco-terrorism", that is, wilful damage to the environment as a political strategy or measure during war, including conditions of civil war.

61. It is recognized that the international community has a major responsibility to protect the environment, and criminal law has an important role to play in that endeavour. In developing a coordinated global response, it is necessary to strengthen national laws and upgrade practice in this area.

Topic 3. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections and the role of lawyers

62. This topic provides an opportunity to discuss the efficient use of resources to improve the management of criminal justice systems, to enable them to fulfil their goals and objectives, address priority needs and effectively deliver the required services. Emphasis is placed on the use of various types of information, modern information technologies and managerial tools, such as data-processing equipment and systems, as well as a sound empirical base and guide to better procedure and practice in preventing crime and victimization while enhancing the quality of justice.

63. Successful criminal justice management more than ever before depends on proper human resources development and refinement of the skills of criminal justice personnel. With emerging economic and political systems, sometimes accompanied by civil strife and military conflicts, such personnel face ever more complex challenges. 1/ Even in countries with stable political systems, the competence of, and technology available to, criminal justice personnel often does not match the sophisticated methods by which crime is perpetrated. This situation can lend itself to crime penetration of delicate legal infrastructures and an undermining of the rule of law, leaving officials helpless and communities with a lack of confidence in the administration of justice.

64. The sharing of experiences and joint problem-solving by various agencies within a system, as well as across systems, are implicit demands of modern criminal justice. Given the system-wide impact of decisions, keeping abreast of advances in information technology is no longer the responsibility of computer professionals alone. Computer technology must be made to work to the benefit of all criminal justice personnel, enhancing their capacity to respond to contemporary criminal justice management demands. The international exchange of views in this respect would be of great assistance, fostering the cross-fertilization of knowledge.

65. The United Nations crime prevention and criminal justice information programme functions as a "broker" of such an information exchange, through, inter alia, substantive and logistical development of the United Nations Criminal Justice Information Network. Operations of the Network require continuous governmental and non-governmental support in constructing new databases and increasing outreach, especially in developing countries.

66. Wide availability of information would serve criminal justice systems in conducting state-of-the art operational research with a view to better decision-making on the most cost-beneficial use of resources at their disposal, ranging from better handling of case-loads to improved overall information on the performance of the systems.

67. The fundamental objectives pursued by criminal justice systems require not only the operational involvement of criminal justice professionals, under the guidance of policy makers, but also the support and participation of the community at large. This facilitates effective responses to local and national problems and conditions and addresses broader international concerns. Increased cooperation between different criminal justice systems, also involving the use of United Nations norms and instruments, would facilitate concerted strategies against crime problems of common concern within an international context.

68. Promotion of the use of modern criminal justice management aids, tools, techniques and methodologies can help to keep practitioners at all levels abreast of developments, so that their action can be more effective and forward-looking. Rational policy- and decision-making and increased accountability are thus also enhanced.

69. Yet only the most sophisticated approaches to criminal justice management address these aspects, which are acknowledged as important both for analyzing current crime and criminal policy trends and for the proactive planning of operations. Improved information management within criminal justice systems would also allow a better use of information for clearing-house functions which the system should discharge vis-à-vis other parts of public administration and, indeed, vis-à-vis the public and the international criminal justice community.

70. The majority of criminal justice systems currently lag behind new developments, including those in information technology, which are widely utilized in other fields. Modest investments in their operations may reverse this trend. In the absence of modern management techniques, limited use of crime-related information has an effect of underestimating the real crime picture and the consequent problems faced by justice authorities. This, in turn, leads to distortion of the global picture of crime and justice, and of the crime prevention and criminal justice requirements needed to combat it.

71. The following discussion outlines the sectors or subsystems of the criminal justice system, embracing the police, prosecution, courts and corrections agencies, identifying pressing contemporary problems affecting their operations, with a view to promoting more effective management.

The police

72. There is overall agreement that the police, the "gatekeepers" of the criminal justice system, are the most exposed to the immediate realities of crime. While official police powers vary widely from country to country, police personnel are confronted daily with the need to decide whether conduct is criminal and what action to take as a consequence. Policing is the most sensitive and discretionary of the criminal justice components. It is therefore important that police policies and practices be reviewed regularly, particularly in the light of emerging trends in law enforcement, including new approaches to internal police organization.

73. Among those trends, the community policing approach is a promising one, reducing the social distance between law enforcement officials and the public they serve, thus providing role visibility and increasing trust and public confidence. The kinds of community policing vary. The sharing of the results of comparative research findings, experiences and policy options regarding new approaches to law enforcement management models, including a community role in crime prevention and control, is an important consideration for the international professional community, and one for which the Ninth Congress provides an appropriate forum.

74. A second trend is increased ethnic representation in police forces to reflect social changes within the community. Recruitment of police personnel from such ethnic groups, their training and career development affect their responsiveness to public expectations and their ability to provide effective crime control.

75. Whereas the above police matters reflect local managerial concerns, transnational crimes such as drug trafficking, money-laundering and computer crime point to the need not only for a better-trained and more technologically advanced police force, but also for cooperation between police forces across frontiers. Emphasis should be placed on methods, including technical cooperation programmes, to enhance police professionalism and collaborative efforts.

Prosecution

76. Rapid political and economic change in many countries has significantly altered fundamental prosecutorial procedures. The role and perception of the professionals, policy makers and the community in this transition is crucial to their success.

77. Perhaps the most important criterion for prosecutorial professionalism is the degree of political independence afforded a prosecutor, balanced against the duties and obligations of the prosecutor, as a citizen, to participate in political processes. There are various models for achieving this balance in democratic society, ranging from the advertised political affiliation of prosecutors to scrupulous political independence. Although the correct balance suitable for any national system is determined internally, the examination of alternate solutions which enjoy community respect could be a worthwhile exercise.

78. Prosecutorial discretion is a difficult criminal justice policy decision because of the pressure, on one hand, for the efficient and economical administration of justice and, on the other, democratic requirements that the administration of justice be accountable. In some systems where prosecutorial discretion is not explicitly conferred by statute, it might be exercised during court prosecution or through plea-bargaining arrangements. The Ninth Congress may wish to discuss in detail what changes or innovations in prosecutorial systems, both legal and administrative, are feasible or desirable in national contexts.

The court

79. The court is also the focus of many policy pressures. As crime increases, delays in justice delivery undermine the efficiency of the system since "justice delayed is justice denied". It is crucial to look at the operations of the courts from a professional, policy and community perspective, and to discuss possible solutions which might assist in adjusting the volume of court work in line with increasing demands of the criminal justice system.

80. A number of techniques can be used for this purpose, grouped under the heading of "conflict resolution". They include pretrial mediation, pretrial diversion and victim-offender reconciliation. However, the very essence of lawful criminal accusation requires judicial action. Therefore, even if tentative solutions are achieved extrajudicially, in virtually all jurisdictions, the State must still pronounce itself on the validity of the procedures.

81. Two issues might be further examined. The first is the range of techniques used to provide alternate bodies in which judgements might be proposed for allegedly criminal acts. Second, in systems which provide such bodies, the method used to arrive at judicial approval of their decisions, and their degree of public acceptance, could be considered.

82. Such innovations require substantial support. In many national systems there are well-established informal methods for maintaining an acceptable degree of celerity. New methods, especially formal ones, require the support of all court officials, lawyers and judges alike. Much courtroom behaviour is predicated on settled legal understandings, or so-called rule-governed behaviour. If these understandings are absent, then the search for new rules requires a degree of harmony which may be difficult to maintain in the absence of an adjudicator.

83. In terms of technical solutions, in some systems the "paperless office" based on computer-transmitted judicial documentation has recently been deemed to be a helpful technological alteration in court procedure. The costs are often prohibitive. However, the decreasing price of computer equipment and software has opened up new possibilities for computer-assisted systems. These technologically advanced solutions can be understood as viable policy options for developing as well as developed countries, since there are substantial long-term economies which result from more efficient documentation and system processing.

84. Computer-assisted court systems can also provide significant assistance to judges in the central activity of rendering well-founded decisions. Recent global events have affected national legal systems to varying degrees, but almost no national system has been immune from increased consideration of previously unconsidered legal systems or precedents, resulting from the growth of international mutual assistance mechanisms. Legal and quasi-legal decisions of international and regional bodies have different degrees of relevance for national systems.

85. There are well-established, reliable computer-assisted judicial guidance systems that might have been considered a novelty a few years ago, but which now provide an indispensable aid to rendering decisions which are both judicially sound and publicly acceptable. There is a clear need to demonstrate and share successful solutions to problems of court management and judicial decision-making processes. The Ninth Congress may be a suitable forum for this demonstration and exchange of views contributing to a system-wide approach to criminal justice management.

86. Increased attention in judicial proceedings, as in law enforcement, is being paid to victims. In addition to measures to facilitate the cooperation of victims as witnesses, special facilities (such as separate waiting rooms and video testimony) and services (such as victim advocates) have been introduced to minimize the secondary victimization that criminal proceedings often inflict. Input on the effects of the crime through victim impact statements is also used in various jurisdictions, and information on the progress of the case and its disposition is provided to victims.

Corrections

87. Within many national criminal justice systems there is currently discussion concerning the range of correctional practices appropriate for each system. The role of prisons can no longer be taken for granted. In some systems, it has always been clearly settled. In others, the role of prisons in the criminal justice system has changed profoundly during the past 20 years. In still other jurisdictions, for example in many African states, there is discussion over whether prisons are socially appropriate sanctioning settings under any circumstance.

88. The management of correctional services in a way that balances professional, policy and community perceptions is perhaps more nationally specific than the other major components of the criminal justice system. However, it is in that diversity of national practices that solutions can perhaps be found for both developing countries and countries that are not satisfied with the range of sanctions currently available.

89. Community involvement in the correctional process is growing. During the period of custodial confinement, links are maintained that can facilitate their reintegration into society and, upon release, help to maintain that process.

The role of lawyers

90. The Ninth Congress may wish to examine another aspect of the system which is central to the fair administration of criminal justice, namely, legal defence. Without an effective defence system none of the criminal justice components could, from a system-wide perspective, be properly regarded as institutional pillars for the effective and humane processing of offenders. The extension of this topic to include the role of legal defence in criminal justice management would provide a more balanced overview of the system and contribute to a more complete understanding and assessment of contemporary criminal justice administration and management. This could help to provide a springboard for possible adjustments and reforms.

Topic 4. Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

91. Crime in the urban setting can take many forms, some local, others linked to the growing transnationalization of criminality (as in drug-related offences and trafficking in persons). Increasingly complex crime problems in most parts of the world are primarily seen in an urban context, likely to be further exacerbated by factors such as the continuing growth of cities, mobility and economic disparities, both between and within cities and countries.

92. Urban problems, especially in developing countries, have been compounded by severe economic crises facing entire regions which have curtailed legitimate opportunities and taxed fragile urban infrastructures. Dysfunctional development and unplanned urbanization, accompanied by rapid social change, with large-scale migration to towns lacking amenities, facilities and services to support new arrivals,is not a propitious context for stability and harmonious growth.

93. The lack of a preventive comprehensive perspective and a long-term strategic planning approach has all too often created potentially criminogenic imbalances. For example, lack of or inappropriate education, not geared to development needs and not coordinated with human resources planning contribute to widespread unemployment. The predominantly young urban migrants, whose aspirations have been raised without suitable means of fulfilling them, may take illicit action. The loosening of family ties and other traditional forms of social control, conflicts between traditional and modern cultures, the anonymity and alienation of city life and other forces may operate to increase the likelihood of resorting to crime. These scenarios are illustrative of some of the processes at play. There are evidently many others, and they will need to be identified, in order to mount proactive rather than basically reactive strategies designed to keep criminality at manageable levels.

94. Poor as well as affluent societies are troubled by alarming rates of urban crime, particularly violence, which is impairing the quality of city life and jeopardizing the security of individuals and whole communities. In this sense, security relates not only to the actual risk of victimization, but also to the fear of being victimized by crime. Both contribute to the daily stresses that affect urban lifestyles, increasing the isolation of the elderly, and curtailing the activities of women and children. Sensationalist crime coverage by the mass media, and even preventive awareness campaigns, may increase fear levels and should therefore be re-evaluated to avoid such unintended effects.

95. Viable preventive strategies are urgently needed. They should be based on a careful diagnostic analysis, including both situational and wider analyses of crime dynamics, victims and perpetrators. The measures involved can span a wide continuum, from security devices to increase personal or business safety, to community-based measures, to broad socio-economic strategies intended to influence the matrix in which urban crime occurs. The interrelationship of the factors at play and, inevitably, of the different modalities of response complicates the task. But if the available knowledge and experiences is harnessed, clearly defined goals and objectives can be set. Concrete targets can be established and viable means of achieving them considered, in human as well as material cost-benefit terms, leading to tangible success.

96. The Ninth Congress provides a unique forum in which different experiences, including successful and unsuccessful solutions, can be exchanged, to identify the most promising approaches and desirable directions to be pursued. This does not mean only mechanistic methods that are simpler to introduce, but also multilevel interventions in complex situations. Examples may underline this point. Economic and social disadvantage continues to contribute to both criminal activity and victimization. It is not only relative deprivation, but also poverty in the midst of plenty, that may be contributory factors in crime and delinquency. The juxtaposition of affluent and deteriorated neighbourhoods, of inner city slums or peripheral favelas (shanty towns) with areas of gracious city living, is one of the key problems and challenges facing urban planners, as well as all those concerned with providing a setting propitious to unconstrained human development and decent living conditions.

97. Broader issues of economic policy and urban redevelopment are clearly linked to those of social justice. Marginalized segments of the population may have little stake in law-abiding conduct in a society exhibiting vast differential treatment of its members, for example, where the criminal justice system itself may be discriminatory, focusing on crime in the streets while considerably more indulgent of "crime in the suites". The potential of crime prevention and criminal justice, including law enforcement, as a means of fostering social justice has not been adequately realized. Nor has the necessary perception by all population groups that equality must be observed and justice fairly administered been duly recognized.

98. Affirmative action to help the disadvantaged is an imperative of the tenets of both social justice and of sound crime prevention. This means investment in a viable community infrastructure that would afford wider access to legitimate opportunities, facilities, services and expertise, negating adverse circumstances which place individuals, especially the young, at risk, diminishing the consequences of hardship and disadvantage, and limiting possibilities for turmoil, through quality education, satisfying work, decent housing, adequate health care, meaningful recreation, a higher standard of child development and child care, and family assistance.

99. Fundamental changes have to be made in the approach to education, bringing about comprehensive systemic improvements that will upgrade teaching and learning skills and realize the potential benefit to be derived from the power of education. It is acknowledged as essential that adequate education be accessible to all children, and that quality day-care and pre-school programmes be made available, as well possibilities for after-hours school activity to assist working families. In this respect, the educational establishment has a special responsibility for providing more comprehensive, integrative and adaptive training for the young. This should include, for example, ethics and civics education that would promote, inter alia, familiarity with and respect for the law. Advances in the behavioural sciences in respect of early child development should guide educational and socialization efforts, particularly in preventing the neglect, maltreatment, abuse and exploitation of the young. Targeted programmes should be designed to provide assistance to troubled families and others at special risk. They should also be widely introduced, for example, through the media, schools and as an integral part of basic health care. Parents could be taught coping skills and progressive child-rearing practices.

100. Among other growing problems that require multidimensional approaches is the large-scale movement of persons as migrants in search of greater economic opportunities, or as refugees from violence and persecution. With the difficulties facing developing countries and those in transition to market economies, such population movements can be expected to increase, with the probability of further backlash. The multiple victimization of displaced persons, by their very status as disadvantaged aliens, is an alarming phenomenon. Educational and behavioural science knowledge could be employed to promote tolerance for racial, ethnic, religious and cultural differences, through official policy, as well as the media.

101. In the world today, it is difficult to separate urban crime from the larger context of conflict and violence, including civil strife. The tragic events of recent times show how explosive animosities between different ethnic or other groups can be released into violent criminal acts. The glorification of violence remains a self-defeating ethos that needs to be replaced by directed changes in value systems and more congenial and less-corrosive urban lifestyles. This is a longer-term proposition to be pursued as part of strategic planning. More immediate steps can also be taken to reclaim the urban environment and recreate the sense of community which modern cities have lost, and which is an important form of social control.

102. "Situational crime prevention", employing measures to hinder or reduce opportunities for committing crime and increase the risk of detection, has been prominent in various jurisdictions. They have usually targeted specific forms of crime (for example, burglary and car theft), certain areas (such as housing estates built so as to create common spaces and facilitate surveillance - "defensible space"), or population groups at risk (both as victims and as offenders). Assessments of success have been complicated by possible displacement effects that may transfer criminal operations to other localities or targets. The many chances which exist in cities facilitate such transfers.

103. Planned urban development, especially of new towns, and urban redevelopment schemes have utilized principles of environmental design for crime prevention with some success. Human settlement policies, and well-planned housing estates can aid crime prevention, as can specific residential policies (such as eviction for drug-related activities).

104. This further underlines the importance of a multipronged approach that carefully analyses the likely costs and benefits of different courses of action. Community development schemes, including crime prevention and self-help efforts, have shown some favourable results, especially when there has been adequate public participation and an evolving partnership between the local population and public law enforcement. Programmes such as neighbourhood or block watches and volunteers serving as auxiliaries of the police can fulfil a useful function if properly coordinated, trained and constrained. Sometimes they also assist crime victims. Their potential and limits, as well as those of multiplying private security forces, are a matter of continuing debate, but, if appropriately utilized, they can play a useful role.

105. The role of the police in crime prevention has been overlooked, because police effectiveness has been judged largely in terms of the number of arrests made. Its preventive function could well be expanded. Modern law enforcement methods, such as problem-oriented policing, go beyond single incidents in order to detect crime patterns or incipient problems that should be tackled so as to curtail likely violence and crime. Community policing has sought to bring the police closer to the people and to foster mutual trust and cooperation. This important goal may be rather difficult to achieve where there is an ambivalence towards the police because of its identification with repressive regimes, insensitivity to the rights of minorities, and allegations of police brutality and corruption. Careful selection of candidates for the police, with training or retraining, especially of the upper echelons, can contribute to increased public confidence.

106. The sense of security is linked not only to ensuring public safety, but also to meeting public expectations, with which the feeling of security is linked. Adherence to United Nations standards, greater accountability and new leadership-oriented roles of the police can enhance its image as members of a helping profession, as well as foster broader-based crime prevention. Mediation and assistance to victims of crime are clearly ways in which the image of the police can be raised. Foot patrols, police booths and other ways of ensuring police visibility tend to increase the feeling of safety among the local inhabitants. Representative police forces, including members of minority groups, foster rapport and maximize performance. Where the fear of the police lingers on, its very appearance may need to be changed.

107. The police also play a key role in determining the scope of crime. But recorded crime figures are increasingly being supplemented by indicators of the "dark" figure, obtained through victimization surveys and data on the level of expenditure on safety and security measures. They have been used to increase police responsiveness to public needs. As a gateway to other available crime prevention and victim assistance resources, the police can help to compile inventories of locally available services and take a lead role in systemic strategies involving multiple agencies. The decentralization of some police forces and crime prevention efforts is a useful complement to overall national and regional planning characteristic of recent crime prevention initiatives in a number of countries.

108. The establishment of central, provincial or state and local coordinating councils has involved both governmental and non-governmental actors. United Nations congresses and other forums have long urged the creation of intersectoral coordinating entities to promote concerted action and to facilitate the inclusion of coherent crime prevention policies in national development planning. In the last decade, multidisciplinary local coordinating councils

have been established in various countries to analyse existing and likely crime problems, define prevention needs and develop integrated strategies for dealing with them. Various urban agencies, criminal justice officials, victim services and the public at large are represented on those councils, and their work has shown considerable success. Such initiatives, taken mostly under the aegis of mayors, can usefully be replicated, and an effort is under way in some developing regions to do so.

109. Cooperative efforts of this kind optimize scarce resources, drawing on official-voluntary, public-private partnerships, including businesses, to increase urban safety and create self-reliant communities. By so doing, they also enhance the quality of life and social cohesion. Perhaps the best form of crime prevention insurance is the re-creation of a sense of community, of belonging and participation, with crime prevention as a common task. Indigenous traditions in developing countries can help foster urban surrogates for the extended family. Migrants, in multicultural cities, who have internalized the culture conflict between two worlds may be assisted in this way to form identities and allegiances.

110. The exchange of information and experience and technical cooperation among different towns, countries and regions should also be considered. Recent years have witnessed the development of international databases on crime prevention and victim assistance, with a United Nations mandate to track innovative developments. Comparative victimization studies, conducted in towns on several continents, offer valuable information on crime experiences and the perception and possible management of urban risks. Global and regional conferences on crime prevention and urban security have offered occasions for the exchange of experiences and cross-fertilization of ideas. The United Nations has been entrusted with a key role in this endeavour, and the Ninth Congress, held at the threshold of a new century, and at the half-century anniversary of the Organization, will represent a unique opportunity to provide insight and direction for safer and more livable cities.

Note

1/ See report of the United Nations Seventh Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network (E/CN.15/1992/CPR.5).

Annex

SCHEMATIC BREAKDOWN OF CENTRAL THEMES

Topic 1. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme

(a) Definition of rule of law and characteristics desired;

(b) United Nations standards and norms in crime prevention and criminal justice, international modalities (mutual assistance, extradition etc.):

(i) Views on their efficacy and desirability;

(ii) Extent of implementation, success and problems;

(iii) Technical assistance received, required, offered;

(c) General crime trends:

(i) Statistics of all crimes excluding traffic offences, 1994 compared to 1993, with breakdowns according to:

Violent crime - murder, rape, robberies, kidnapping, assault (whether domestic or otherwise);
Property or non-violent crime - theft, house-breaking (burglary);
Economic/commercial crime - cheating, forgery/counterfeiting, including banking, company, share, insurance, marine frauds;
Drug-related offences (in amounts to be qualified as criminality) - possession, pushing, trafficking;

(ii) Causal factors for increase/decrease (illegal immigration, urban neglect, recession/poverty, unemployment), inefficient criminal justice system (details), alcoholism, drug-addiction etc.;

(iii) Cooperation and technical assistance received, required, offered.

Topic 2. Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation

(a) Organized crime:

(i) Definitions and characteristics;

(ii) Specific fields of operation;

(iii) Impact of organized crime in society:

Corruption and its sequels;
On the national economic sphere;
On the practical sphere;

(iv) Internationalization of the phenomenon of organized crime:

Impact on the international economic sphere;

(v) Future trends:

Computer-aided organized crime;

(vi) Effective response:

International efforts;
Measures adopted that have failed;
Documented successes in property and money seizures;
Legal initiatives; preventive detention, conspiracy and association provisions; victim protection schemes;

(vii) Operational intelligence;

(viii) Control of proceeds of crime:

Problems from governmental perspective;
Perspective of financial institutions;
Control of laundering of proceeds of crime;
Legislative;
Regulatory;
Infrastructure building;
International cooperation;

(b) Economic criminality:

(i) Definition and scope:

Cheating, embezzlement, forgery/counterfeiting, particularly when committed by, or to facilitate these crimes by, company/bank directors, corporate employees and people in positions of power or high social positions; including restrictive/monopolistic trade practices, tax evasion, bribery/corruption, share-rigging/insider-trading, forged scripts, credit cards, banking, marine and insurance frauds;

(ii) Abuse of position of trust;

(iii) Links with organized crime and corruption;

(iv) Transfer and laundering of proceeds: normal banking, electronic transfer, chit fund, money-changers;

(v) Control measures: internal/external auditing, concept of duty of care for auditors/company directors, reduction of mens rea and concept of entrustment, reverse onus in burden of proof in specific cases, international cooperation to recover assets by way of criminal/civil proceedings;

(c) Role of criminal law in the protection of the environment:

(i) National perspective:

Types of prevailing in-country ecocrime;
Definition of less serious ecocrime;
Role of civil/administrative law;
Mens rea: strict liability and inadvertent negligence;
Definition of more serious ecocrime;
Role of criminal law;
Mens rea: intention and recklessness;
Country experiences in the use of civil/administrative law, criminal law, civic action and general education as a means of controlling the problem;

(ii) Transnational environmental crime:

Cross-border pollution, e.g. acid rain, oil spillage, dumping across borders of toxic wastes/effluence, impact on the ecosystem;
Origin of specific cases of major and on-going pollution and international cooperation required/obtained;
Problems in investigation and prosecution;
Links to and role of organized crime;
Response to wilful damage to environment as political and economic strategy, or as war measure, i.e. ecoterrorism.

Topic 3. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections and the role of lawyers

(a) Police:

(i) Community policing approach;

(ii) Technological and professional advancement of police to deal with organized crime and other new dimensions, e.g. computer crime, ecocrime etc.;

(iii) Forensic investigation;

(iv) Code of conduct - use of force and firearms;

(b) Prosecution:

(i) Degree of political independence for prosecution;

(ii) Prosecutorial discretion;

(c) Courts:

(i) Conflict resolution techniques within the criminal justice system;

(ii) Alternative to formal justice process;

(iii) Computer-assisted courts system;

(iv) Community perceptions of courts system;

(v) Independence and impartiality of the judiciary;

(d) Corrections:

(i) Range of correctional practices;

(ii) Non-custodial sanctions;

(iii) Community involvement in correctional process;

(e) The role of lawyers:

(i) Legal defence mechanisms;

(ii) Access to justice;

(iii) Role and status of lawyers.

Topic 4. Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

(a) Urban crime:

(i) Definition of urbanity (density of population etc.);

(ii) Specific features of urban crime;

(iii) Reasons behind the specifics of urban crime:

Unplanned urbanization;
Economic disparity;

(iv) Dysfunctional urban development;

(v) Preventive strategies:

Security devices and "situational crime prevention";

(vi) Community-based measures and strategies;

(vii) Socio-economic strategies;

(b) Juvenile crime:

(i) Definition of juvenile crime (usually involving those aged below 18 or up to 18);

(ii) Statistics and character of trends in juvenile crime in 1994 compared to 1993 (statistics should preferably cater for those aged below 18, 18-20* and 20-25*);

(iii) Causal factors:

Effects of domestic violence, broken homes, single-parent homes, ethnic discrimination, ghetto environment, inability to cope with normal education, poverty, video/gambling arcades;

(c) Violent criminality:

(i) Diagnostic analysis:

Crime dynamics (causal factors);
Victims;
Perpetrators;

(ii) Preventive strategies:

Socio-economic measures, successes and failures;
Community-based measures, successes and failures;
Security devices for the person and premises;

(iii) Impact of mass-media sensationalization on fear levels;

(iv) Impact of preventive awareness campaigns on fear levels;

(d) Domestic violence:

(i) Definition and description;

(ii) Causal factors;

(iii) Use of law to respond to domestic violence;

(iv) Removal of causal factors;

(v) Criminalization;

(vi) Limits to the use of criminal law;

(vii) Improving the criminal justice system;

(viii) Rate of the clearance;

(ix) Traditional police approach;

(x) Police action in cases of drastic violence:

Special police units;
Crisis intervention strategies;

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*For those countries with definitions covering this age span.

(xi) Interagency coordination;

(xii) Rate of the prosecution;

(xiii) Separate prosecution units and courts;

(xiv) Discretion in prosecution;

(xv) Mediation and alternative dispute resolution processes;

(xvi) Community-based strategies;

(xvii) Extended family influence;

(xviii) Coordination of relevant professionals and disciplines relevant to domestic violence;

(e) The victim:

(i) Safety of victims:

Defining status and position of victims;
Increasing level of protection for victim;
Improving referral;
Legal aid;
Facilitating victim's active participation and representation with dispute resolution process;

(ii) Preventing victimization;

(iii) Training of practitioners;

(iv) Gathering and sharing information.